

REMARKS

Claims 1-21 are pending in the application. Claims 1-6, 11, 12 and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,077,757 to Jackson. The Examiner states that Jackson discloses a baking pan comprising a food contacting surface formed with an embossed textured pattern comprising a plurality of spaced apart raised, straight sided geometric shapes (diamonds, squares) 12 separated by a first set of parallel depressed grooves 11 and a second set of parallel grooves 11; and an exterior surface formed with an embossed textured surface pattern comprising a plurality of spaced apart depressed, straight sided geometric shapes separated by raised ridges, each of the shapes and ridges being the opposed side of the shapes and grooves in the food contacting surface.

The Examiner has failed to fully appreciate the construction of the textured baking pan disclosed in the Jackson patent. More specifically, the Examiner has mischaracterized the structure of Jackson in a direct opposite fashion from that disclosed in the patent. The structure of Jackson shows that the diamond shapes 11 are actually depressed in the cooking surface, while the so-called grooves 12 are raised. It may, however, be that the Examiner considers the raised grooves 12 as representing diamonds in themselves. The present claims have been amended to further define definitely over Jackson by stating that each of the raised diamonds or geometric shapes in the present invention have a flat surface lying in a common plane separated by depressed grooves to define the food contacting surface. Support for the amendment is found in paragraph 45 on page 6, as well as in the drawings, such as Fig. 3A. The raised elevations 12 of Jackson do not have a flat surface. See Fig. 4 of Jackson.

In addition, Jackson fails to recognize the benefits provided by a plurality of raised geometric shapes having flat surfaces and separated by depressions. Principally, Jackson has the embossed surface configuration to increase the strength and rigidity of bakeware. Note, also, however, in Fig. 2 of Jackson that the actual cups 14 for baking muffins do not have any textured surface applied thereto which could facilitate baking of a food product. Hence, we do not

believe that Jackson recognizes or teaches the textured bakeware of the present invention.

It is clear that claims 1-6, 11, 12 and 18 patentably define over the disclosure of Jackson since the diamond patterns of Jackson are not raised above depressed grooves as required in the present claims.

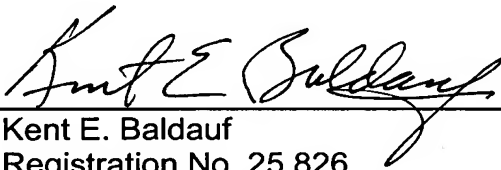
Claims 7-10, 13-17 and 19-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable for obviousness over Jackson in view of U.S. Patent No. 5,628,426 of Doyle et al. The Examiner states that Doyle discloses that it is well known in the art to provide an anodized pan out and inner surfaces and a non-stick coating on the inner surface.

The Examiner states it would have been obvious to one skilled in the art to modify the pan of Jackson with that taught by Doyle and, accordingly, provide an anodized surface in order to extend the life of the baking pan. Likewise, it would have been obvious to provide the food contact surface of Jackson with a non-stick coating as taught by Doyle.

Claims 7-10 and 19-21 depend either directly or indirectly from respective amended base claims 1 and 12 and, accordingly, should be allowed because they depend from an allowable base claim.

Reconsideration and a favorable action are respectfully requested.

Respectfully submitted,
THE WEBB LAW FIRM

By 
Kent E. Baldauf
Registration No. 25,826
Attorney for Applicant
700 Koppers Building
436 Seventh Avenue
Pittsburgh, Pennsylvania 15219-1845
Telephone: 412-471-8815
Facsimile: 412-471-4094